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Signature Page*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

WYATT B., *et al.*,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 6:19-cv-00556

PLAINTIFFS' OBJECTIONS TO  
DEFENDANTS' SUPPLEMENTAL LAY  
WITNESS STATEMENTS

Plaintiffs hereby object to Defendants' Supplemental Lay Witness Statements (ECF 436) as follows:

**I. GENERAL OBJECTIONS**

**A. Plaintiffs Reserve the Right to Raise Objections in Court, Based on Individual Questions and Answers**

Plaintiffs cannot, in every instance, determine the nature, circumstances, and basis for testimony. Generally, Plaintiffs reserve the right to object at trial on the basis of any permissible grounds for objection. Plaintiffs cannot determine from the brief descriptors, for example, whether the witness has personal knowledge of the matter discussed, or whether the witness would seek to present an expert opinion rather than a lay opinion.

**B. Plaintiffs Reserve the Right to Object to and Move to Strike Testimony from Witnesses Who Previously Expressed Inability to Answer at Deposition**

Plaintiffs would also note that, as presented, the witness statements indicate that some witnesses, who repeatedly stated at a deposition that they were unable to speak in generalities about conditions or circumstances within the foster care system, now appear prepared to testify in generalities about that same system at trial. Plaintiffs reserve the right to move to strike testimony from witnesses, where the witness had previously expressed an inability to testify on that topic in deposition, including where the witness had expressed an inability to speak in the abstract.

**C. Plaintiffs Reserve the Right to Supplement Their Trial Exhibits with Appropriate Documents to Impeach Witnesses**

Defendants have introduced a 265-page summary of witness statements, broaching a wide variety of topics and introducing dozens of fact witnesses. Many of the issues raised by Defendants in their proposed witness statements can be impeached with relevant documents. Plaintiffs will appropriately supplement their trial exhibits with exhibits.

**II. SPECIFIC OBJECTIONS**

<b>WITNESS: FRANCIS MAHER</b>	
<b>Page</b>	<b>Objections</b>
5-6 - intends to testify about recent legislation and impacts on child-caring agencies	Legal conclusion, unnoticed expert testimony, improper lay witness testimony, lack of personal knowledge and speculation as to impacts on agencies other than his own, hearsay.

<b>WITNESS: BECKY SMALLWOOD</b>	
<b>Page</b>	<b>Objections</b>
8-9 - intends to testify about disability assessments	Unnoticed expert testimony to the extent she is opining about disability diagnoses.

<b>WITNESS: V.P.</b>	
<b>Page</b>	<b>Objections</b>
9 – “various supports and services they received to help transition out of the care of Child Welfare” and “overall experience” with the child welfare system	The description of the proposed testimony is vague and insufficiently detailed. Plaintiffs further object to Defendants’ communication with V.P., a member of the plaintiff class, without notice to and authorization by Plaintiffs.

DATED this 3rd day of May, 2024.

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